

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RICHARD SIMPSON,

Plaintiff,

CIVIL CASE NO. 07-13125

v.

J. SCOTT, COLEMAN, BAKER, STEVENSON,  
WILLIAMS, CRANBERRY, HUGH  
WOLFENBARGER, MYERS, and  
KLIMEWICZ,

HONORABLE PAUL V. GADOLA  
U.S. DISTRICT COURT

Defendants.

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**ORDER ACCEPTING AND ADOPTING REPORT AND RECOMMENDATION**

This is an inmate civil rights action under 42 U.S.C. § 1983 in which Plaintiff has named nine Michigan Department of Corrections employees as Defendants. Before the Court is Defendants' motion for summary judgment, filed on December 19, 2007, and the Report and Recommendation of Magistrate Judge Virginia M. Morgan, filed on May 15, 2008. The magistrate judge's report and recommendation recommended that Defendants' motion for summary judgment be granted on the grounds that Plaintiff has not suffered a litigation-related injury and consequently, that Defendants Scott, Baker, Stevenson, Williams, Cranberry, Wolfenbarger, and Klimewicz be dismissed.<sup>1</sup> The Magistrate Judge also notified the parties that any objections must be filed within ten days of service. No party has filed objections to the report and recommendations.

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<sup>1</sup>Defendants Coleman and Myers have not yet been served in this matter.

The Court's standard of review for a magistrate judge's report and recommendation depends upon whether a party files objections. If a party does not object to the report and recommendation, the Court does not need to conduct a review by any standard. *See Lardie v. Birkett*, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002) (Gadola, J.). As the Supreme Court observed, "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings." *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Because neither party filed timely objections to Magistrate Judge Morgan's report and recommendation, *see* 28 U.S.C. § 636(B)(1)(c), this Court need not conduct a review.

**ACCORDINGLY, IT IS HEREBY ORDERED** that Magistrate Judge Morgan's May 15, 2008 Report and Recommendation [docket entry #33] is **ACCEPTED** and **ADOPTED** as the opinion of this Court.

**IT IS FURTHER ORDERED** that Defendants' motion for summary judgment is [docket entry #18] is **GRANTED**.

**IT IS FURTHER ORDERED** that Defendants **SCOTT, BAKER, STEVENSON, WILLIAMS, CRANBERRY, WOLFENBARGER**, and **KLIMEWICZ** are **DISMISSED** from this cause of action.

**SO ORDERED.**

Dated: June 20, 2008

s/Paul V. Gadola  
HONORABLE PAUL V. GADOLA  
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on June 20, 2008 , I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Clifton B. Schneider , and I  
hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Richard Simpson .

s/Ruth A. Brissaud  
Ruth A. Brissaud, Case Manager  
(810) 341-7845